

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

MMG INSURANCE COMPANY,
Plaintiff

v.

GLENN MYER,
Defendant

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File No. 1:07-CV-4

ORDER

The Magistrate Judge's Report and Recommendation was filed February 25, 2008. (Paper 46.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Plaintiff's motion for summary judgment (Paper 20) is GRANTED in part and the following declaratory judgment is entered:

1. MMG Insurance Company ("MMG") is not required to indemnify Glenn Myer ("Myer") for the judgment entered in Cooper v. Myer, Docket No. 124-6-03 Lecv.
2. MMG is not required to pay any costs or interest resulting from the judgment entered against Myer in Cooper v. Myer, Docket No. 124-6-03 Lecv.
3. MMG is not required to pay legal costs in the declaratory judgment action, Pharmacists Mutual Insurance Co. v. Myer, Docket No. 78-4-06 Lecv.

4. MMG is required to pay its part of the legal fees from the time defense was tendered to it to the time of Myer's response in Opposition to Motion for Summary Judgment was filed, October 12, 2007.

5. MMG is required to pay half of the cost of Myer's appeal from the judgment in Cooper v. Myer, Docket No. 124-6-03 Lecv.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 26th day of March, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge